

RESOLUTION NO. 3197-05-2005

**RESOLUTION GRANTING CONDITIONAL CONSENT  
TO CREATION OF A MUNICIPAL UTILITY DISTRICT PROPOSED TO BE NAMED  
CITY OF FORT WORTH MUNICIPAL UTILITY DISTRICT NO. 2 OF  
TARRANT COUNTY, TEXAS**

**WHEREAS**, the owners of land within the proposed boundaries of a district proposed to be named "City of Fort Worth Municipal Utility District No. 2 of Tarrant County, Texas" (the "District") have filed the Petition, attached as Exhibit A hereto, requesting consent from the City of Fort Worth (the "City") to create the District in the City's extraterritorial jurisdiction and include certain land described in Exhibit A hereto (the "Land") within the District; and

**WHEREAS**, the Land proposed to be included in the District lies within the extraterritorial jurisdiction of the City; and

**WHEREAS**, the Petition states that the District proposes to provide water, sanitary sewer, drainage and other services, but not roads, to the Land within the proposed boundaries of the District; and

**WHEREAS**, pending further discussions with the proponents of the District, at this time the City believes that creation of the District, as proposed in the request, is neither feasible nor practicable, that there is no public necessity or need for the District, that creation of the District would not further the public welfare, nor would it be a benefit to the Land within the boundaries of the proposed District or the residents of the proposed District, and the City reserves the right to pursue all legal remedies to oppose and protest the creation of the District; and

**WHEREAS**, the City nonetheless desires to assert its conditional consent to creation of the District and the inclusion within the District of the Land within the City's extraterritorial jurisdiction in the event that the District is created; and

**WHEREAS**, one of the purposes of granting conditional consent is to facilitate further discussions and negotiation with the proponents of the District;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

That the City hereby grants its consent to the creation of the District and the inclusion within the District of the Land described in Exhibit A attached hereto within the City's extraterritorial jurisdiction subject to and specifically conditioned upon the following:

1. This consent is effective only in the event that the creation of the District complies and is consistent with all applicable constitutional, statutory and regulatory provisions or



**CITY OF FORT WORTH**

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH** that the City Secretary is hereby directed to file a copy of this resolution in the permanent records of that office.

ADOPTED: May 3, 2005

BY: \_\_\_\_\_

Mayor, City of Fort Worth

ATTEST: \_\_\_\_\_

City Secretary

APPROVED  
CITY COUNCIL

MAY 03 2005

Matt Hendrix  
City Secretary of the  
City of Fort Worth, Texas



**CITY OF FORT WORTH**

#### IV.

The undersigned constitute a majority in value of the holders of title to the lands in the Property, as shown by the county tax rolls and conveyances of record since the date of preparation of said county tax rolls.

#### V.

The proposed District shall be organized for the following purposes:

- (1) The control, storage, preservation and distribution of its waters and flood waters, the waters of its rivers and streams, for all useful purposes, including municipal, domestic, industrial and communal uses; and
- (2) The control, abatement and change of any shortage or harmful excess of waters, and the protection, preservation and restoration of the purity and sanitary condition of water within the District; and
- (3) The collection, transportation, processing, disposal and control of all domestic, industrial or communal wastes, whether of fluids, solids or composites; and

The aforementioned purposes are to be accomplished by any and all mechanical and chemical means and processes incident, necessary or helpful to such purposes, to the end that public health and welfare may be conserved and promoted and the purity and sanitary condition of the State's waters protected, effected and restored.

#### VI.

The general nature of the work to be done by and within the proposed District at the present time is the (i) construction, maintenance and operation of a waterworks system for residential and commercial purposes; (ii) the construction, maintenance and operation of a sanitary sewer collection system and sewage disposal plant; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the proposed District; and

IX.

A preliminary investigation has been instituted to determine the cost of the proposed improvements described above, and it is now estimated by the undersigned, from such information as they have at this time, that the ultimate cost of such proposed improvements will be approximately \$14,500,000.

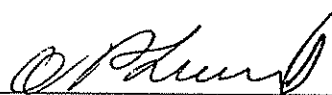
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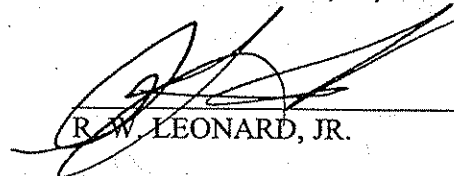
The undersigned requests that the City Council of the City grant its consent as above stated.

**[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

NANCY ALICE LEONARD INVESTMENT CO.,  
LTD.

By: Pecan Tex, LLC, General Partner

By:   
O.P. Leonard, Jr., Member

  
R.W. LEONARD, JR.

  
ELLEN V. LEONARD

  
EMILY A. LEONARD

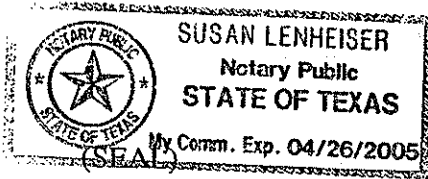
  
MARGERY E. LEONARD

THE STATE OF TEXAS

COUNTY OF Tarrant

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§

This instrument was acknowledged before me on the 9th day of February, 2005 by L. Allen Hodges, III, Manager of North Texas Investments, L.L.C., General Partner of PA&M, LTD.



Susan Lenheiser  
Notary Public in and for the  
State of \_\_\_\_\_

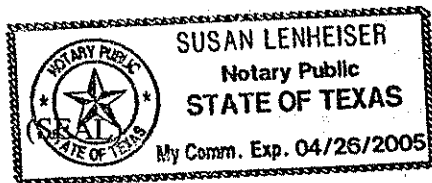
Name Printed or Typed  
My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF Tarrant

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This instrument was acknowledged before me on the 9th day of February, 2005 by Stephen H. Berry, Manager of Stream Investments, L.L.C., General Partner of PA&M, LTD.



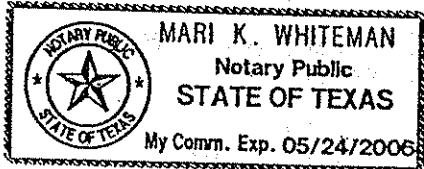
Susan Lenheiser  
Notary Public in and for the  
State of \_\_\_\_\_

Name Printed or Typed  
My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF Tarrant

This instrument was acknowledged before me on the 9<sup>th</sup> day of February 2005 by O.P. Leonard, Jr., Member of Pecan Tex, LLC, General Partner of Nancy Alice Leonard Investment Co., Ltd.



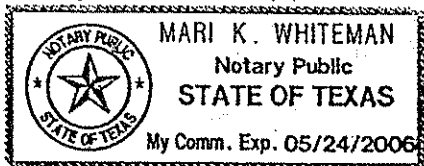
(SEAL)

Mari K. Whiteman  
Notary Public in and for the  
State of Texas  
Mari K. Whiteman  
Name Printed or Typed  
My Commission Expires: 5-24-2006

THE STATE OF TEXAS

COUNTY OF Tarrant

This instrument was acknowledged before me on the 10<sup>th</sup> day of February 2005 by R.W. Leonard, Jr.



(SEAL)

Mari K. Whiteman  
Notary Public in and for the  
State of Texas  
Mari K. Whiteman  
Name Printed or Typed  
My Commission Expires: 5-24-2006

THE STATE OF TEXAS

COUNTY OF Tarrant

This instrument was acknowledged before me on the 9th day of February 2005 by Margery E. Leonard.



(SEAL)

Mari K. Whiteman

Notary Public in and for the

State of Texas

Mari K. Whiteman

Name Printed or Typed

My Commission Expires: 5-24-2006